

**OFFICE OF THE DISTRICT ATTORNEY, Bronx County**

ROBERT T. JOHNSON
District Attorney

198 East 161st Street
Bronx, New York 10451

(718) 590-2494

Fax: (718) 590-3323

August 6, 2007

The Honorable Denny Chin
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007
(by fax)

USDC SDNY
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Re: Christopher Fernandez v. Joseph Smith et al.
07 Civ. 6310 (DC)

Dear Judge Chin:

Today we received from petitioner's counsel your July 17, 2007 Order directing respondent to file an answer or other pleading by August 24, 2007, and giving petitioner until September 7, 2007 to file any reply papers. However, it is necessary for respondent to request an extension of time to file an answer.

According to our computerized records, the state court murder conviction underlying this habeas corpus proceeding is based on a relatively lengthy record. Since the Assistant District Attorney who represented the People on direct appeal in state court is no longer with our office, it will be necessary for another assistant to first obtain this transcript and then familiarize him or herself with this lengthy record.

I have consulted with petitioner's counsel, Lloyd Epstein, Esq., and, with his consent, respondent is hereby requesting an extension of sixty days from the current due date of August 24, 2007 in which to file the answer. Therefore, if this Court approves, respondent will have until October 23, 2007 to file the answer, and petitioner will have until November 13, 2007 to file any reply. No previous requests for an adjournment have been made.

Thank you for your consideration in this matter.

Approved.
SO ORDERED,

[Signature]
WEDS
8/13/07

Very truly yours,

[Signature]
NANCY D. KILLIAN
DEPUTY BUREAU CHIEF
APPEALS BUREAU